



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JUL 26 2013

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Timothy Mitchell, Director of Water Resources  
Lynchburg City Sewage Treatment Plant  
2301 Concord Turnpike  
Lynchburg, Virginia 24505

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Mitchell:

The United States Environmental Protection Agency (EPA) issuance of this requirement for information on July 17, 2013, pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. §1318, requires the City of Lynchburg (Lynchburg) to provide information on wastewater discharged from its collection system. It is mandatory that Lynchburg respond fully and completely in accordance with the instructions and deadlines set forth in the enclosed Information Requirement.

Pursuant to section 308(a) of the Act, 33 U.S.C. §1318(a), you are hereby required to submit to EPA the information required in this letter. If you fail to properly respond, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g) any person who violations Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. §1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$37,500 per days of violation. You may also be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. §1319(c), for negligently or knowingly providing false information in response to this Information Requirement. In addition, providing false, fictitious, or fraudulent statement of representations may subject you to criminal penalties under 18 U.S.C. 33 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

If you have any questions about this Information Requirement, you may contact Ms. Joy Gillespie, Enforcement Officer at (215) 814-2793.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGuigan", is written over the typed name.

David B. McGuigan, Ph.D.  
Associate Director

Office of NPDES Permits & Enforcement  
Water Protection Division

Enclosure

cc: Kathleen F. O'Connell

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In The Matter of

Lynchburg City  
Sewage Treatment Plant  
Department of Public Works  
2301 Concord Turnpike  
Lynchburg, VA 24505

Proceeding under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

**INFORMATION REQUIREMENT**

Respondent

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires the City of Lynchburg Public Works who owns and operates the Sewage Treatment Plant (Lynchburg or Respondent) to provide the information specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

- b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - c. any requirement under Section 308 of the CWA; and
  - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
4. You may, if you desire, assert a business confidentiality claim covering all or part of the information requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

### **III. INSTRUCTIONS**

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
9. If tabulation is requested, provide the required information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file in Microsoft Excel format.

10. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

11. All submissions provided pursuant to this Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

***"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."***

Signed \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

12. Submit a copy of your response to the following individual:

Ms. Joy Gillespie (3WP42)  
NPDES Enforcement Branch  
Water Protection Division  
U. S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Ms. Joy Gillespie of the NPDES Enforcement Branch at (215) 814-2793.

#### **IV. DEFINITIONS**

14. The terms "Document", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all

necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

15. The term “identify” with respect to a natural person means to provide that person’s name, address, telephone number, title, and relationship to Respondent. The term “identify” with respect to a business entity means to provide that entity’s name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
16. The term “Publicly Owned Treatment Works” (POTW) has the meaning set forth in 40 C.F.R. 403.3(q).
17. “Wastewater Treatment Plant” or “WWTP” shall mean the sewage treatment plant (or water reclamation facility) operated by the City of Lynchburg and located at 2301 Concord Turnpike, Lynchburg, Virginia, and all components of such sewage treatment plant.
18. The term “collection and/or conveyance system” means the system used for the transport of all wastewater including process wastewater from its source to a facility where treatment of the wastewater occurs.
19. The “Lynchburg City System” or “System” refers to any devices used in the collection, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature in Lynchburg, Virginia. It also includes sewers, pipes, and other conveyances that convey wastewater to the Lynchburg City POTW.
20. The term “satellite” refers to an entity which maintains its own collection system, collects domestic sewage from individual, commercial, industrial and other users, and discharges, either directly or indirectly, into the Lynchburg City System (e.g., a municipality).
21. “Wastewater Collection and Transmission Systems” or “WCTS” shall mean the municipal wastewater collection and transmission systems, including all pipes, interceptors, Force Mains, Gravity Sewer Lines, lift stations, Pumping Stations, manholes and appurtenances thereto, that are owned or operated by the County.
22. “Sanitary Sewer Overflow” or “SSO” shall mean an overflow, spill, diversion, or release of wastewater from or caused by the County’s WCTS. This term shall include:
  - a. discharges to waters of the State or United States from the County’s WCTS; and
  - b. any release of wastewater from the County’s WCTS to public or private property that does not reach waters of the United States or the State, including Building/Private Property Backups.

23. "Force Main" shall mean any pipe that receives and conveys, under pressure, wastewater from the discharge side of a pump. A Force Main is intended to convey wastewater under pressure.
24. "Gravity Sewer Line" shall mean a pipe that receives, contains and conveys wastewater not normally under pressure, but is intended to flow unassisted under the influence of gravity. Gravity sewers are typically not intended to flow full under normal operating conditions.
25. "Infiltration" shall mean water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes, as defined by 40 C.F.R. § 35.2005(b)(20).<sup>1</sup>
26. "Inflow" shall mean water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage, as defined by 40 C.F.R. § 35.2005(b)(21).
27. "I&I" shall mean the total quantity of water from Infiltration and Inflow without distinguishing the source.
28. "Private Lateral" shall mean that portion of the Wastewater Collection and Transmission System, not owned by the County, used to convey wastewater from a building or buildings to that portion of the Wastewater Collection and Transmission System owned by the County.
29. "Prohibited Bypass" shall mean a Bypass within the meaning of 40 C.F.R. § 122.41(m)(4).
30. "Pumping Station" shall mean facilities comprised of pumps that lift wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pumping station.

#### **V. INFORMATION REQUIREMENT**

AND NOW, this 26<sup>th</sup> day of July, 2013, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, within thirty (30) days of the effective date of this Information Requirement:

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<sup>1</sup>It may be appropriate to include the following definition in addition to the definition for "Infiltration": "Rainfall Induced Infiltration" or "RII" shall mean infiltration that behaves similarly to Inflow. Like Inflow, RII occurs during and after rainfall. RII is the result of rainfall percolating down through the soils into defects in the WCTS or Private Lateral which generally lie near the surface.

31. Provide detailed information regarding the area that the Lynchburg City System Services. In your response include the following information:
  - a. State whether or not the System serves all or parts of the City of Lynchburg? If portions of the City are not served, provide the number of households within the City that are not served and who provides wastewater service.
  - b. Identify any and all communities outside of the City of Lynchburg for which the Public Works provides wastewater collection and/or treatment services. For each such community provide an estimate of the number of households served by Lynchburg City.
32. Provide the name and NPDES permit number and date of issuance for WWTP(s) owned or operated by the collection system utility.
33. Provide the name and NPDES permit number and date of issuance for WWTP(s) that receive flow from the collection system utility.
34. Names of upstream collection systems sending flow to the collection system utility.
35. Identify any downstream collection systems receiving flow from the collection system utility.
36. How does Lynchburg City receive and track spill reports?
37. How and when does Lynchburg City notify the state and provide follow-up information to the State?
38. Provide spill records for each sanitary sewer overflow (SSO) for the past five years. The information for each spill should include, at a minimum, the following: Date of overflow, time spill reported, location of over flow (address and city), whether the spill occurred in a private lateral, whether it reached a surface water, total volume of the overflow, volume of spill recovered, volume of overflow that reached a surface water, the appearance point of the overflow, final spill destination, overflow cause and explanation, whether a health warning was posted.
  - a. List all constructed overflow points in the POTW/WWTP collections system. Provide the latitude and the longitude of the overflow point and the nearest cross street. For each overflow point, provide the number and volume of each discharge for the past five years.
  - b. Provide all sewer overflows in buildings or building backups in the past five years, the estimated volume for each overflow, and the cost of settled claims for each overflow.



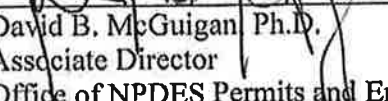
- c. List any overflow reporting requirements in the system's NPDES permit.
  - d. Does the utility have a written Spill Response Plan? If the utility has a spill response plan, is the plan carried by maintenance/spill response crews?
39. Does the utility have detailed sewer system maps, are maps on GIS database, and if so are the maps available to maintenance crews?
40. How many years does it take the system to clean and inspect the entire collection system?
41. Does the utility have a fats, oils and grease (FOG) control program? Provide source control ordinance and ordinance citation. Provide the agency responsible for implementing the FOG control program.
42. Does the utility prohibit storm water connections to the sanitary sewer (roof drains, sump pumps, etc.)?
43. Describe I&I control projects (miles of pipe rehabilitated or replaced for I&I control) recently completed projects, and planned projects.
44. Describe capacity control measures (relief sewers, storage, WWTP expansion, etc.), recently completed projects, and planned projects.
45. Provide a plan the system has developed for operation and maintenance for the collection system, for example, a Capacity, Management, Operation, and Maintenance Program (CMOM).
46. Any additional information Lynchburg City wishes to provide relevant to its compliance status.

#### **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt.

Date:

7/26/13

  
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David B. McGuigan Ph.D.  
Associate Director  
Office of NPDES Permits and Enforcement  
Water Protection Division

